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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

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SUMMARY RECORD OF THE 1171st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 14 August 1996, at 3 p.m.

Chairman: Mr. BANTON

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GE.96-17836 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 9) (continued)

Fourth to fourteenth periodic reports of Swaziland (CERD/C/299/Add.2)

1. The CHAIRMAN said that Swaziland had requested that consideration of its reports should be postponed until the Committee's next session. He said that if there were no objections, he would take it that the Committee agreed to that request.

2. It was so decided.

Third to ninth periodic reports of Zaire (CERD/C/237/Add.2); Tenth periodic report of Zaire (CERD/C/278/Add.1)

3. At the invitation of the Chairman, Mr. Marume Mulume (Zaire) took a place at the Committee table.

4. Mr. MARUME MULUME, introducing his country's two reports (CERD/C/237/Add.2 and CERD/C/278/Add.1), said that, after many years of difficulties and crises during which it had not attended the Committee's meetings, Zaire had broken with the single party system in 1990 and initiated a process of democratization. The process itself involved specific difficulties, which compounded existing ones and created a political, economic and social climate that made the situation of the weakest, whom the various human rights conventions were designed to protect, even more precarious. The Zairian authorities hoped that the Committee's observations would help it to carry out that task of protection.

5. The Republic of Zaire was pleased to resume the dialogue with the Committee. Last-minute material problems had prevented the planned delegation from leaving Kinshasa, but he would do his best to answer the questions asked. Any replies he was unable to provide would be transmitted to the Committee at a later date.

6. Mr. van BOVEN (Country Rapporteur) said he hoped that the dialogue between Zaire and the Committee, which had resumed after a 16-year break, would be fruitful. The two reports under consideration (CERD/C/237/Add.2, submitted in 1995, and CERD/C/278/Add.1, submitted in 1996) were virtually identical; he would therefore refer only to the second. The main innovation it mentioned was the adoption and promulgation, on 9 April 1994 of a provisional constitution called the "Constitutional Act of the Transition Period" (CERD/C/278/Add.1, para. 4). The transition period had been due to end on 9 July 1995, but it had been extended. He asked whether the Act in question was really "transitional". The report on which the dialogue between Zaire and the Committee would be based essentially provided information on current legislative measures, but contained little information on the actual situation. It contained hardly any information on the political/constitutional situation, scant geographical and demographic data and no statistics. Moreover, no core document had been provided. To remedy that shortcoming, he had drawn on other relevant United Nations documents:

two reports on the human rights situation in Zaire submitted by Mr. R. Garretón, Special Rapporteur on the situation of human rights in Zaire, containing, in particular information on ethnic rivalry and incitement to racial hatred, and two recent reports by the United Nations High Commissioner for Human Rights: "Coordination meeting on the human rights situation in the Great Lakes region" (E/CN.4/1996/69) and "Making human rights a reality" (E/CN.4/1996/103).

7. Following the influx of refugees from Rwanda and Burundi, the situation in Kivu deserved special attention. In resolutions 1995/69, 1996/76 and 1996/77, the Commission on Human Rights had expressed its concern. According to the Special Rapporteur, ethnic tension had been exacerbated by factors connected with the electoral process and the nationality laws.

8. With regard to the implementation of article 2 of the Convention, Zaire's report contained a great deal of information on current legislative provisions, but hardly any on their application. As far as nationality was concerned, the report referred to the principle of jus soli. According to the Special Rapporteur, one of the main causes of the ethnic conflict in North Kivu was the legislation on nationality and, in particular, Act No. 81-002 of 29 June 1981. In his second report, the Special Rapporteur made recommendations in that regard. He asked whether the Government of Zaire had taken or intended to take any follow-up measures on those recommendations and in what way and by what means integrationist multiracial organizations were being encouraged (CERD/C/278/Add.1, para. 16). He also asked how the political division into "families", which distinguished between "the President's family" and "the opposition family", and was provided for in the Constitutional Act of the Transition Period, was compatible with access by all, without discrimination, to the civil service. He wished to know how the multi-ethnic nature of Zairian society described in the report was compatible with the reports of "regional cleansing" in Shaba that was encouraging the population of Shaba to expel the 1.5 million Kasai people living there.

9. As to the implementation of article 3, he pointed out that that provision was not simply an anti-apartheid clause. It related to any policies and practices, whether intentional or unintentional, of racial or ethnic segregation, as the Committee had stated in its General Recommendation No. XIX, adopted at its forty-seventh session.

10. With regard to the implementation of article 4, the Committee would appreciate details on the effective implementation of the legislative provisions referred to in paragraphs 28 and 29 of the report and on the relevant case law. According to the report, tribal associations that were political in nature were prohibited and automatically dissolved (para. 29). Such associations nevertheless seemed to exist for the express purpose of supporting the President of the Republic and they apparently received public funds for that purpose. He asked whether that was compatible with Ordinance Law No. 66/342. He recalled that the Cairo Declaration on the Great Lakes region, which had been adopted on 29 November 1995 by the Heads of State concerned, and in particular by President Mobutu, had condemned an ideology of exclusion which fomented fear, frustration and hatred and encouraged

tendencies towards extermination and genocide. He asked what measures had been taken to change the attitude of Zaire's political forces towards persons from Rwanda and Burundi.

11. Regarding the implementation of article 5 (b) of the Convention on the right to security of person, the legislative provisions referred to in paragraphs 34 to 37 of the report were excellent. However, they contrasted with the information provided by the Special Rapporteur, who reported on "deaths through failure to perform the duty to protect life during tribal or regional conflicts" (E/CN.4/1996/66, paras. 73 and 74). He asked what measures had been taken to prevent practices such as those described by the Special Rapporteur and to punish the persons responsible and what remedies were made available to groups and individuals who were the victims of such practices. Referring to the implementation of article 5 (c) of the Convention (Political rights, paras. 38 and 42 of the report), he asked for further information on persons who did not vote (Electoral Act No. 82/007 of 25 February 1982, art. 14) and, in particular, on the grounds on which a person could be "excluded from the electorate". In connection with the implementation of article 5 (d) of the Convention (Other civil rights), paragraphs 44 and 45 of the report stated that persons responsible for arbitrary arrests were punished by law and that remedies were available to their victims. The Special Rapporteur nevertheless reported many cases of arbitrary arrests. The report contained little information on the implementation of article 5 (e) of the Convention (Economic, social and cultural rights). As to the right to education, the Special Rapporteur indicated that only 2 per cent of the national budget was spent on education and that the State failed not only to provide free primary education, but also to maintain schools and pay teachers' salaries regularly, thereby contributing to a drop-out rate of as much as 75 per cent.

12. As far as the implementation of article 6 was concerned, paragraphs 64 to 67 of the report showed that the equal rights of Zairians and foreigners and their protection were guaranteed by law. However, it was important to know whether those principles applied to all Zairians, regardless of their ethnic and national origin and to what extent the population was informed of the remedies available. There was also uncertainty about the independence of the judiciary, whose precarious status had been emphasized by the Special Rapporteur of the Commission on Human Rights.

13. Referring to the propagation of international human rights instruments, as required by article 7 of the Convention, he asked what measures had been taken, in conformity with article 35 of the Constitution, to ensure the dissemination of the Convention. He also asked whether the Committee's conclusions following its consideration of Zaire's report would also be disseminated. What concrete measures had been taken to provide general human rights teaching, in particular for law enforcement officials, in conformity with the Committee's General Recommendation XIII? With regard to the State party's observance of the principle of tolerance also embodied in article 7 of the Convention, he shared the view of the Special Rapporteur of the Commission on Human Rights that the Government should stop seeing enemies where there were none, using aggressive language against peoples of Rwandan and Burundian

origin and denigrating one ethnic group in the eyes of others. He asked whether Zaire was prepared to make the declaration provided for in article 14 of the Convention.

14. It was clear that the massive influx of Rwandans and Burundians to Zaire caused problems. According to the report by the High Commissioner for Human Rights on the coordination meeting on the human rights situation in the Great Lakes region (E/CN.4/1996/69), the influx had kindled the xenophobia which already existed in the North and South Kivu regions. For his part, the Special Rapporteur of the Commission on Human Rights had expressed the view that the situation created by the tribal tension was explosive. For those reasons, the initiative taken by the High Commissioner for Human Rights, as an act of preventive diplomacy, to open a United Nations human rights office in Kinshasa to cooperate with the national authorities and with NGOs should be welcomed. Although the Commission on Human Rights had supported the project and the High Commissioner had spared no effort successfully to complete it, certain elements were apparently opposed to the opening of the office. He invited the Zairian authorities to say when the office would become operational.

15. Lastly, international law required Zaire to cooperate with the International Tribunal for Rwanda and arrest persons accused of genocide in order to hand them over to the Tribunal. He asked what the Government of Zaire had done to fulfil those obligations.

16. Mr. ABOUL-NASR, speaking on a point of order, said that, as the Country Rapporteur, Mr. van Boven, had made extensive use of the reports by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Zaire, he should provide the symbol and date of those documents, with which he himself was unfamiliar. He asked whether the reports had been considered by the Commission on Human Rights, whether Zaire had replied to the allegations contained in them and whether the Commission on Human Rights had taken a decision on them. The Committee should not repeat a debate which had already taken place within the Commission on Human Rights.

17. Mr. van BOVEN said that Mr. Aboul-Nasr had raised an interesting point about the Committee's sources of information. He had naturally used the State party's periodic reports, but, when they had not contained enough factual information on matters of interest to the Committee, he had drawn on the two reports prepared by the Special Rapporteur of the Commission on Human Rights, Mr. Garretón. The first had been issued as document E/CN.4/1995/67, dated 23 December 1994, had been considered by the Commission and had led to a resolution. In view of the Commission's heavy programme of work, however, he could not say whether the Commission had held a debate on the document that would be reflected in the summary records. The second report had been issued as document E/CN.4/1996/66, dated 29 January 1996. Mr. Garretón, who had prepared those reports after visiting Zaire, was preparing a third report and his mandate should be renewed. He had not used information from external sources and was unaware of any statements on the reports that the State party might have made in the Commission on Human Rights.

18. Mr. GARVALOV welcomed the resumption of the dialogue between Zaire and the Committee after so many years. He did not fully agree with the views of the Special Rapporteur of the Commission on Human Rights, Mr. Garretón, on the human rights situation in Zaire.

19. The two periodic reports on Zaire before the Committee (CERD/C/237/Add.2 and CERD/C/278/Add.1) were in keeping with the Committee's guidelines and contained useful information, in particular on the Constitutional Act of the Transition Period, which had been adopted and promulgated in April 1994 and article 11 of which stated that all Zairians were equal before the law and condemned discrimination. However, the information contained in paragraphs 2, 8 and 23 of the tenth report (CERD/C/278/Add.1) on the ethnic composition of the population was inadequate and required clarification. He asked whether the terms "tribes", "ethnic groups", "minority groups" and "pluriethnicity" used in those paragraphs had the same meaning and which of the ethnic groups mentioned in paragraph 2 were the largest.

20. With regard to the question of nationality dealt with in paragraphs 11 to 14 of the report, Zairian legislation seemed to be "generally liberal", since it was based on jus soli, which was less restrictive than jus sanguinis. However, the statement in paragraph 30 that Zairian legislation predating the Convention fully met concerns about the elimination of all forms of discrimination apparently meant that the State party could not see how its legislation could be improved. Such a statement, which had already been made by other States parties, required closer scrutiny in the light of the actual situation. It should be remembered that, according to article 4 of the Convention, States parties undertook in particular to declare an offence punishable by law any incitement to racial discrimination as well as all acts of violence against any race or ethnic group.

21. The three legal instruments referred to in paragraph 9 of the report on the suppression of manifestations of racism, the prohibition of discrimination in public places and the prohibition of tribalism, were much narrower in scope than required not only by article 4, but also by article 2 of the Convention.

22. The report also contained interesting and fairly detailed information on Zaire's recognition of some rights provided for in article 5 of the Convention, especially civil rights, but the real state of affairs was a matter of concern. The information provided by major international NGOs showed that, as a result of extrajudicial executions, arbitrary arrests, censure, discrimination against the Pygmies and the inferior status of women, the situation in Zaire was serious. The Zairian delegation should say whether those reports, which were particularly disturbing, should be dismissed or could, unfortunately, be confirmed. It would also be interesting to know how many people had instituted proceedings before a court, as stated in paragraph 45, to contest the lawfulness of their detention and in how many cases the courts had ruled that the detention was unlawful. Paragraph 66 stated that criminal law penalized all discriminatory practices and provided damages for the victims, but he wished to know how many complaints of discrimination had been brought before the courts and in how many of those cases damages had been awarded. Lastly, it was stated in paragraph 69 that

human rights should be included in all educational and training programmes for the armed and security forces; he asked whether human rights were also taught in schools and, if so, what such teaching involved.

23. Mr. de GOUTTES said that the resumption of the dialogue between the Committee and Zaire after a 16-year break should be welcomed. The Country Rapporteur, Mr. van Boven, had made a penetrating analysis of Zaire's problems by referring to recent information from other United Nations bodies and, in particular, the reports of the Special Rapporteur of the Commission on Human Rights and of the High Commissioner for Human Rights. The situation in Zaire was crucial, as the stability of an entire region of Africa depended on it, and the idea of opening a United Nations human rights office in Kinshasa was particularly welcome.

24. Generally speaking, the reports on Zaire that were submitted to the Committee contained useful information on the institutional and legislative framework to combat racial discrimination and particularly on the adoption, on 9 April 1984, of the Constitutional Act of the Transition Period and the establishment, on 8 May 1995, of the National Commission for the Promotion of Human Rights, but they did specific information on and practical examples of the implementation of the texts referred to and did not reflect the real problems that Zaire faced in a number of areas. As far as the refugees were concerned, the Government of Zaire had been criticized, on the one hand, for having refused to shelter many refugees from Burundi in the South Kivu region and, on the other, for having subsequently forcibly expelled a large number of Rwandan and Burundian refugees whose presence threatened national security. He asked for quantitative and qualitative information on the situation of those refugees and on the conditions they were living in in the camps in Zaire.

25. Referring to inter-ethnic tension, the 1996 report of Amnesty International referred to violent incidents involving different ethnic groups (Banyarwandas, Hundes, Nandes and Nyangas). The Government of Zaire had to provide information in that regard. In the case of the Banyarwandas, he asked whether it was true that the new retroactive legislation on the acquisition of Zairian nationality, to which Mr. van Boven had already referred, was one of the main causes of the conflicts. He pointed out that, under article 1, paragraph 3, of the Convention, none of its provisions could be interpreted as affecting in any way the legal provisions of States parties concerning nationality, "provided that such provisions do not discriminate against any particular nationality".

26. Paragraphs 9 and 27 to 31 of the tenth report also referred to three major texts which, under Zairian domestic law, made it possible to penalize and punish racist acts and, according to the Government, that placed Zaire "in the forefront" of the struggle against racial discrimination. Although Zairian legislation was on the whole in keeping with the requirements of article 4 of the Convention, there was no information on the practical implementation of those provisions in the light not only of article 4, but also of article 6. As Mr. Garvalov had said, the next report should provide information on complaints, proceedings and convictions, with statistics, if possible. The delegation should also explain whether citizens were well informed of their rights and whether they trusted the police and the courts.

27. Paragraph 4 of the report referred to the recently established National Commission for the Promotion of Human Rights, but gave no information on how it operated, its composition, the machinery that ensured its independence and any action to its credit. In that connection, it would be interesting to know whether the Commission had participated in the seminar organized in Yaoundé in February 1996 for national commissions from all parts of Africa.

28. Paragraph 16 stated that multiracial, integrationist organizations were encouraged, but did not explain how. According to Amnesty International, the Government had, rather, reintroduced a provision requiring any human rights movement to obtain prior legal recognition. Five groups of activists had allegedly complained to the Commission on Human Rights of that provision, which was contrary to the 1994 Constitutional Act. He asked the Zairian delegation whether the Government planned to publish its tenth report and the Committee's conclusions. That would be an example of goodwill towards the Committee and a paedogogical approach to tolerance.

29. Mr. VALENCIA RODRIGUEZ asked whether article 11 of the 1994 Constitution might not pave the way for discrimination in most of the areas referred to in article 5 of the Convention, since it apparently prohibited discrimination only "in matters of education or access to the civil service".

30. The information on the implementation of article 2 provided in the tenth report led him to wonder whether a foreigner who became Zairian received the same treatment as Zairians by birth. Moreover, the statement in paragraph 15 that "Zairian laws generally look kindly upon foreign nationals" made him fear that there might be exceptions and that aliens might be protected only in terms of their "person and property", as indicated in paragraph 6.

31. The statement in paragraph 23 that concern for minority groups and for pluriethnicity had always been a part of Zairian policy was very encouraging. Unfortunately, there were no explanations of what happened in practice. The Committee should be informed of any special measures which had been or were being adopted to protect minorities and, above all, to improve their living conditions.

32. Referring to the implementation of article 4 of the Convention, he said that the measures provided for by the three texts quoted in the report, which penalized the wearing of emblems and gestures, words or writings liable to cause racial tension and segregation in public places, were not broad enough to give effect to the article, whose aims were far higher. The legislation should be supplemented and combined in a single text.

33. According to the information provided on the implementation of article 6, foreigners were entitled to the same protection as Zairian citizens against discriminatory practices or measures. That was commendable, but the information should be supplemented by details of the legal machinery guaranteeing the exercise of that right. It was surprising that no case of discrimination had yet been brought before the courts.

34. Regarding article 7, he found the report rather wanting. The article covered education, culture and information, a very broad area that required very diversified action. For example, the Committee should be told whether

the authorities were trying to make information on the Convention and the Committee's work on Zaire available to the entire population, without exception.

35. Mrs. SADIQ ALI, referring to a number of incidents reported by reliable sources, requested information on discrimination by the National Electoral Commission against the moderate opposition and the Islamic Conscience Movement, which had asked to be allowed to represent the 10 million Zairian Muslims. Those groups' protests were proof of tension in Zaire, despite the adoption of the Constitution in late June 1990.

36. In 1994, the radical opposition had denounced Zaire's political instability and its economic decline, which it held responsible for the impoverishment of the health sector, which was now dependent on humanitarian assistance. She was surprised that so rich a country should be reduced to such a state and wondered whether it was because it preferred to spend its resources on military expenditure.

37. Referring to a report that more than 11,000 Zairians had taken refuge in Uganda since January 1994, she asked why that huge exodus had occurred and whether it had been caused by the new law on naturalization.

38. According to other reports, members of the presidential guard had killed approximately 50 students and schoolchildren during demonstrations against President Mobutu Sese Seko at Lubumbashi in 1990. Belgium had then suspended its loans to its former colony and postponed the signing of a cooperation agreement with it and had requested the International Commission of Jurists to carry out the necessary investigations. She asked whether an investigation had been made into that incident. It had been followed by other disturbances - students fleeing to Zambia, miners striking in Lubumbashi, etc. - and by a further appeal from the European Community for an independent inquiry. The situation was still tense and she asked what the Government was doing to restore order.

39. Mrs. ZOU said that she deplored the lack of information and precise figures on the implementation of the legislation adopted by Zaire. For example, the provisions relevant to article 4 of the Convention were described at length, but no specific example was given.

40. She noted that there were approximately 250 tribes in Zaire - 4 or 5 of which predominated - and asked what measures had been taken to prevent conflicts between them, since tribal antagonism could be the starting-point for major crises.

41. Mr. SHAHI said that, since the Rwandan crisis had begun, there had been reports that some of the persons who had taken refuge in Zaire had formed gangs which organized raids against Rwanda. He asked how the Government of Zaire interpreted its responsibilities under international law in respect of those incidents and what it was doing to remedy the situation.

42. Mr. Marume Mulume (Zaire) withdrew.

Draft recommendation on compensation

43. The CHAIRMAN invited the Committee to consider the question of a draft general recommendation on compensation for indigenous populations subjected to racial discrimination.

44. Mr. WOLFRUM, referring to a suggestion by Mr. Aboul-Nasr, proposed that States in whose territory indigenous populations had been subjected to discrimination and violence should present them with their excuses, work to preserve the cultural identity of indigenous groups as a source of cultural enrichment and to improve the situation of indigenous populations in terms of civil, political, economic, social and cultural rights and, lastly, give back the land that had belonged to indigenous individuals or groups or compensate them. A small group of experts could draft that recommendation.

45. The CHAIRMAN said that Mrs. Sadiq Ali, Mr. van Boven and Mr. Aboul-Nasr had volunteered to carry out that task.

46. Mr. van BOVEN suggested that the drafting group that had just been established should study ILO Convention No. 169 on indigenous and tribal peoples and the draft declaration on the rights of indigenous populations currently being considered by the Commission on Human Rights.

Draft general recommendation concerning the rights of refugees and persons displaced on the basis of ethnic criteria (CERD/C/49/Misc.3/Rev.3) (continued)

47. Mr. WOLFRUM, drawing the Committee's attention to the document entitled "General recommendation concerning the rights of refugees and persons displaced on the basis of ethnic criteria" (CERD/C/49/Misc.3/Rev.3) (document distributed in the meeting room in English only) and to the amendments on which the members of the Committee had agreed, said that the fourth preambular paragraph, beginning with the words "Draws the attention", became paragraph 1. The paragraph beginning with the words "Emphasizes that" became paragraph 2. The former paragraph 1 became subparagraph (a). In that subparagraph, the word "such" should be added between the words "all" and "refugees". The former paragraph 2 became subparagraph (b). In that subparagraph, the words "the obligation of" should be deleted and the words "are obliged" added before the words "to ensure". The word "such" should be added before the word "refugees" in the second line of that subparagraph. After the words "is a voluntary one", the comma should be replaced by the word "and". The former paragraph 3 would become subparagraph (c). In that subparagraph, the word "such" should be added between the words "all" and "refugees". The former paragraph 4 would become subparagraph (d). In that subparagraph, the word "such" should be added between the words "all" and "refugees".

48. A representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) had considered the document and it was at his suggestion that the third preambular paragraph, beginning with the word "Recalling" had been added to the draft recommendation. The representative of UNHCR had also insisted that the principle of non-refoulement should be referred to, as the draft recommendation now did.

49. Mr. GARVALOV said he hoped that the Committee would have a further opportunity to consider the document because he wanted to propose the amendment which he had suggested before and which was that the words "non military" should be added to the first preambular paragraph. As the members of the Committee had not supported that proposal, he wished to explain why it was so important.

50. Mr. DIACONU said that, in the first preambular paragraph, it would be more appropriate to refer to "military or ethnic conflicts" because there were ethnic conflicts that were in no way military. He also proposed that the words "against their will" should be added after the word "displaced".

51. Mr. CHIGOVERA, referring to the first amendment proposed by Mr. Diaconu, suggested that the word "/or" should be added after the word "and".

52. The CHAIRMAN said that the Committee would continue its consideration of the draft recommendation at a later meeting.

THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 8) (continued)

Seminar to assess the implementation of the Convention

53. Mr. WOLFRUM said that the Seminar was due to be held from 9 to 13 September 1996 to assess the implementation of the Convention. In his view, the programme for the Seminar amounted to an assessment of the Committee's action. He was glad that Mr. Rechetov and Mr. Valencia Rodriguez were taking part in the Seminar, but very sorry that the Committee had been completely left out. It might even be said that it was entitled to be heard because, otherwise, its rights would be violated. In addition, the relevant resolution specified that such seminars should be monitored by the treaty monitoring bodies.

54. He proposed that the Head of the Advisory Services, Technical Assistance and Information Branch, Mr. Pace, should inform the Committee about the Seminar and explain why he had not done so earlier.

55. Mr. SHAHI said that he joined in Mr. Wolfrum's protest. The Committee should be able not only to explain its action, but also to inform the Seminar's participants of the experience it had gained since its establishment almost 30 years previously.

56. Mr. GARVALOV said that, if the Seminar had been on racial discrimination in general, he would have had no objection, but as the theme was the assessment of the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee should, at the very least, have been consulted. He therefore supported Mr. Wolfrum's proposal that the head of the section of the Centre for Human Rights responsible for organizing the Seminar should be invited to hear the Committee's opinion.

57. Mr. SHERIFIS, referring to the problems that arose in connection with the circulation of information, said that, on 13 March 1996, he had requested

the secretariat to inform him "whether consideration was being given to the conduct of a study or the organization of a seminar" on the question of the right of refugees and displaced persons to recover their property "within the framework of the Programme of Action for the Third Decade" (CERD/C/SR.1152). Unfortunately, his question had gone unanswered. As the participants in the Seminar were to deal with issues that related directly to the work of the Committee, its organizers should have informed the Committee's members, if only to enable them to make a contribution. He agreed with Mr. Wolfrum that the head of the section organizing the Seminar should be invited to a meeting with the Committee to clarify the situation. He believed that not even the Committee's Chairman had been informed of the organization of the Seminar.

58. The CHAIRMAN, replying to the comment by Mr. Sherifis, said that, at th end of May or the beginning of June, he had received a letter from Mr. Pace, addressed to him as Chairman of the Committee, inviting him to take part in the meeting and to present a paper. He had assumed that the invitation was addressed to him in a personal capacity and had informed the Seminar's organizers that his schedule was too heavy and that it would be extremely difficult for him to take part. He had also asked them for details on the participants and the objectives of the meeting. The reply he had received a few weeks later had not seemed very important and he had not considered it necessary to bring the letter with him. He had also had a telephone conversation, but at no time had he been asked to have himself represented by someone else as Chairman.

59. Mr. ABOUL-NASR said that the Chairman of the Committee had been consulted, even if it was not clear in what way. It would be desirable for the Committee to have further information on the matter so that it might consider it on an informed basis.

60. The CHAIRMAN said that it would be necessary to find out whether Mr. Pace could provide a copy of the letters exchanged.

61. Mr. DIACONU pointed out that everyone knew that the Seminar had been o the agenda of the Third Decade for two years. What was surprising was that should have been organized without the Committee being properly consulted an requested to submit a report on its activities. Since the Committee had bee faced with a fait accompli, the participants should be provided with all the information they needed to adopt informed conclusions. In particular, the secretariat should provide the Seminar's organizers with all of the Committee's reports since its establishment, the report of the current sessi and the recommendations and resolutions it had adopted over the years. It w also important for the Committee's Chairman to take part in the work of the Seminar and to chair some of its meetings so that its conclusions would not adversely affect the Committee's future activities.

62. Mr. WOLFRUM, introducing the agenda for the Seminar in greater detail (document without symbol, distributed in the meeting room in English only), said that items 1, 2 and 4 entitled "Global assessment of the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination; Implementation of articles 4 and 6: limits and perspectives and Effects of reservations to article 4 of the fight against racism and racial discrimination" gave rise to the most problems. Since the Seminar

would adopt a report, the Committee might well receive guidelines on the orientation of its work for its next session that would have been adopted without it being consulted.

63. Mr. de GOUTTES said that Mr. Wolfrum's suggestion that a meeting should be organized with Mr. Pace was the best solution. However, the questions raised about the Seminar showed that there was a broader problem of the circulation of information within the Committee. Several of its members had already taken part in training seminars organized by the Centre for Human Rights without their colleagues' knowledge. The Centre should be asked systematically to inform all the members of the Committee when it organized such seminars.

64. Mr. van BOVEN said that the Committee should not overstate the importance of the Seminar. Mr. de Gouttes' comment was nevertheless relevant; the flow of information had to be improved. The way in which the Seminar had been organized was another example of the lack of communication within the Centre for Human Rights between the section organizing the Seminar and the section responsible for the Committee. If it organized a meeting with Mr. Pace, the Committee would simply be formalizing the Centre's compartmentalization. It would be better if it went directly to the Centre's highest authority, the High Commissioner for Human Rights.

65. Mr. CHIGOVERA said that there were some indications that Mr. Rechetov and Mr. Valencia Rodriguez had been invited to participate in the Seminar as members of the Committee. If so, the Committee should be consulted.

66. Mr. AHMADU noted that some members of the Committee were informed of the organization of seminars and invited to them, while others were not. That was a kind of discrimination.

67. The way in which the Seminar in question had been organized reflected a trend that should be stopped. It was inconceivable that the Committee's work should be assessed unless its Chairman was invited to participate. Before taking a decision on whether to invite Mr. Ayala Lasso or Mr. Pace, the members of the Committee had to adopt a common position on the matter to ensure that there was no disagreement during the meeting.

68. Mr. YUTZIS said that the problem to which the Seminar gave rise was a further illustration of shortcomings in the operation of the Centre which took the form of poor resource utilization and overlapping of activities. Fears about the results of the Seminar might, however, be exaggerated. What mattered was that the Committee should make itself heard so that it was not once again presented with a fait accompli.

69. Mr. GARVALOV said the of the Seminar related directly to the Committee's work

have been involved in the process from the outset. As far as the participation of Mr. Rechetov and Mr. Valencia Rodriguez was concerned, there was every reason to believe that they had been invited in their personal capacity. If not, they would certainly have informed the Committee.

The meeting rose at 6.05 p.m.